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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
D'MARQUES ANTHONY LUCKETT, )  
 )  
Defendant. )

No. CR 07-0589 PJH

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
SEPTEMBER 27, 2007 THROUGH  
OCTOBER 9, 2007

On September 27, 2007, the parties in this case appeared before the Court for an initial appearance. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculations from September 27, 2007 through October 9, 2007, due to the pending detention motion by the government, and the effective preparation and continuity of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for the continuity and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the

STIP. AND ORDER  
CR 07-0589 PJH

defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

SCOTT N. SCHOOLS  
United States Attorney

10/23/2007  
DATED: \_\_\_\_\_

/s/ Derek Owens

DEREK R. OWENS  
Assistant United States Attorney

10/23/2007  
DATED: \_\_\_\_\_

/s/ Steve Kalar

STEVE KALAR  
Attorney for D'Marques Anthony Lockett

As the Court found on September 27, 2007, and for the reasons stated above, the Court finds that an exclusion of time between September 27, 2007 through October 9, 2007, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for continuity and effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: October 29, 2007

